

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HILDENE OPPORTUNITES MASTER FUND,
LTD., BRETT JEFFERSON and JASON SPEAR,
as trustees for the Hildene Capital Management
Pension Plan, and MEMBRES, LLC,

Plaintiffs,

-against-

THE BANK OF NEW YORK MELLON,
Defendant.

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THE BANK OF NEW YORK MELLON, solely
as Indenture Trustee,

Defendant and Counterclaim Plaintiff,

-against-

HILDENE OPPORTUNITIES MASTER FUND,
LTD., BRETT JEFFERSON and JASON SPEAR,
as trustees for the Hildene Capital Management
Pension Plan, MEMBRES, LLC, ANCHORAGE
CAPITAL MASTER OFFSHORE LTD.,
APEIRON SECURITIES AND INVESTMENTS,
LLP, APEX CLEARING CORPORATION,
BAND & CO., BECKER & CO., ROBERT
BROOKS, COMMERZBANK A.G., LONDON
BRANCH, ELL & CO., EMBASSY & CO.,
MAXWELL W. FREEMAN, GWEN L. GANS
and MARTIN S. GANS, as Trustee of the Gans
Trust dated March 11, 1999, WARREN R.
GERLEIT INDIVIDUAL RETIREMENT
ACCOUNT, THOMAS C. GREGOR
INDIVIDUAL RETIREMENT ACCOUNT,
RICHARD H. HEIN INDIVIDUAL
RETIREMENT ACCOUNT, ED HJERPE, R.
DAVIS HOWE ROTH INDIVIDUAL
RETIREMENT ACCOUNT, INVG
MORTGAGE SECURITIES CORP., KEEFE,
BRUYETTE & WOODS, INC., ESTATE OF
EDWIN L. KLETT, DAVID LACHTMAN
INDIVIDUAL RETIREMENT ACCOUNT,

UNDOCUMENTED
DOCUMENT
ELECTRONICALLY FILED
DOC#
DATE FILED: 10/22/2020

18 CIVIL 8768 (NRB)

JUDGMENT

GILBERT MACQUARIE III INDIVIDUAL
RETIREMENT ACCOUNT, MEYRIN
INVESTORS LIMITED, CLAIRE NARDONI,
JESSICA MAY PAUL, PAUL W. PERKINS,
PERSHING LLC, PERSPECTIVE HOLDINGS,
LLC, DONA M. ROOT, ROBERT F. STOICO,
ROBERT F. STOICO/FIRST FED
CHARITABLE FOUNDATION, WINIFRED W.
TART, as Trustee of the Stephen M. Tart Jr.
Pension Plan, TRISURA INTERNATIONAL
INSURANCE LTD., WOLF RIVER CAPITAL
MANAGEMENT, LLC, PREFERRED TERM
SECURITIES XIV, LTD., PREFERRED TERM
SECURITIES XIV, INC., and DOES 1 through
100, Holders or Beneficial Owners of Income
Notes under the Indenture among Preferred Term
Securities XIV, Ltd., as Issuer, Preferred Term
Securities XIV, Inc. as Co-Issuer, and The Bank
of New York Mellon (formerly the Bank of
New York) as Indenture trustee dated as of June
17, 2004,

Plaintiffs, Intervenor, and Counterclaim Defendants

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated October 21, 2020, all claims by Plaintiffs are dismissed, with prejudice, pursuant to Federal Rule of Civil Procedure 41(a)(2). All cross-claims by Maxwell M. Freeman are dismissed, with prejudice, pursuant to Federal Rule of Civil Procedure 41(a)(2). The Trustee is dismissed and discharged from liability pursuant to 28 U.S.C. § 2361 with respect to any claimant as alleged in its counterclaim for interpleader under 28 U.S.C. § 1335. All claims to any amounts in the Reserve or under the Indenture in respect of any Income Note are deemed satisfied and released by payment of the amounts stated in the order. The Income Notes are deemed delivered to the Trustee for cancelation and deemed canceled, surrendered, discharged, and extinguished; and, pursuant to 28 U.S.C. § 2361, all claimants (and any person claiming by,

through, or otherwise because of any claimant) are permanently enjoined from starting or continuing any action or proceeding in any court or tribunal with respect to such claims; accordingly, this action is dismissed with prejudice.

Dated: New York, New York
October 22, 2020

RUBY J. KRAJICK

Clerk of Court

BY:

K. Margo
Deputy Clerk